

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH AND  
SEIZURE WARRANT**

I, Aaron D. Christensen, being first duly sworn, depose and state as follows:

**A. Introduction and Agent Background**

1. I make this affidavit in support of an application for a warrant to seize two (2) buccal swabs from Nathaniel George Castro for comparison purposes. As set forth below, your affiant respectfully submits that there is probable cause to believe that the buccal swabs contain evidence of a violation of Title 18, United States Code, Section 1153(a), and Title 18, United States Code, Section 2241(a)(1) (aggravated sexual abuse).

2. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since May of 2009. During this time, I have participated in numerous criminal investigations, including investigations involving terrorist financing, organized crime, narcotics trafficking, internet crimes against children, and violent crimes on Indian Reservations. I am currently assigned to the Billings, Montana Resident Agency, where I am responsible for investigating violent crimes on Indian Reservations.

3. The facts in this affidavit come from my personal observations,

1 my training and experience, and information obtained from other agents and  
2 witnesses. This affidavit is intended to show merely that there is sufficient  
3 probable cause for the requested warrant and does not set forth all of my  
4 knowledge about this matter.

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6 **B. The Crime of Sexual Abuse**

7 4. There are three elements to the crime of aggravated sexual  
8 abuse in violation of 18 U.S.C. §§ 1153(a) and 2241(a)(1): First, that the  
9 defendant is an Indian person; second, that the crime occurred in Indian  
10 country; and third, that the defendant knowingly engaged in a sexual act  
11 with the victim by using force against the victim.  
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14 **C. Probable Cause**

15 **Indian Person Status of the Defendant**  
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17 5. Your affiant obtained a tribal enrollment record for Nathaniel  
18 George Castro showing that he is an enrolled member of the Crow Tribe of  
19 Indians, a federally recognized tribe.  
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**Location of the Criminal Activity**

1           7. As described by the victim, the conduct described below  
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3 occurred in Fort Smith, Montana, at the victim's residence, which is within  
4 the exterior boundaries of the Crow Indian Reservation.

**Description of the Criminal Activity**

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7           8. The victim reported that, on August 6, 2019, her ex-boyfriend  
8 and the father of their three children, Nathaniel George Castro, came to her  
9 home in Fort Smith, Montana, to visit their children.  
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11           9. The victim reported that she went into her bedroom because she  
12 did not want to be near Castro during the visit.  
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14           10. The victim reported that Castro followed her into the bedroom  
15 and forced her to engage in penis to vagina sexual intercourse.  
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17           11. The victim communicated by Snapchat message with her best  
18 friend while Castro was at her home and told the friend that Castro followed  
19 her into the bedroom and raped her.  
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21           12. After Castro raped the victim, Castro fell asleep. While Castro  
22 was asleep, his phone rang and the victim answered it. The caller was  
23 Castro's girlfriend at the time. The victim, using Castro's phone, sent  
24 photos of Castro sleeping on her bed to the girlfriend. The girlfriend was  
25 interviewed and told law enforcement that she received the photos of Castro  
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1 sleeping on the victim's bed, which surprised her because Castro had told  
2 her he was at his boss's house.

3 13. The next day, on August 7, 2019, the victim was examined by a  
4 Sexual Assault Nurse Examiner, and vaginal swabs of the victim were  
5 obtained. Those swabs were sent to the FBI DNA unit for examination, and  
6 semen was identified on the vaginal swabs.  
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8 14. DNA extracted from the semen found on the victim's vaginal  
9 swabs matches the DNA profile of Nathaniel George Castro, which is  
10 maintained in the Combined DNA Index System (CODIS). A CODIS  
11 match can only be used for investigation leads.  
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14 15. Accordingly, your affiant requests a warrant to collect two  
15 buccal swabs from Nathaniel George Castro for the purpose of comparing  
16 the DNA extracted from those swabs with the DNA profile extracted from  
17 the semen on the victim's vaginal swabs.  
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DATED this 12<sup>th</sup> day of June, 2023.

  
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AARON D. CHRISTENSEN  
FBI Special Agent

SUBSCRIBED TO AND SWORN BEFORE ME this 12 day of  
June, 2023.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge